

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE**

UNITED STATES OF AMERICA

v.

RANDALL SCOTT BRADDOCK

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2:14-CR-107

Judges Reeves/Corker

CONSENT ORDER

This consent order provides for the disposition of the real property located at 1153 Airport Road, Flat Rock, North Carolina, (hereinafter "real property"). With the intention of providing for the disposition of the real property, the parties to this Consent Order represent to the Court as follows:

On January 13, 2015, a Federal Grand Jury of this District returned a Second Superseding Indictment [Doc. 76] in the above-referenced case, charging the defendant, RANDALL SCOTT BRADDOCK (hereinafter "BRADDOCK") and others, with conspiracy to distribute and possess with intent to distribute a mixture and substance containing a detectable amount of a-PVP (alpha-pyrrolidinopentiophenone), a Schedule I controlled substance analogue as defined in 21 U.S.C. § 802(32), knowing that the substance was intended for human consumption as provided in 21 U.S.C. § 813, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(C) and with conspiracy to distribute and possess with the intent to distribute a mixture and substance containing a detectable amount of a-PVP (alpha-pyrrolidinopentiophenone), a Schedule I controlled

substance, in violation of Title 21, United States Code, §§ 846, 841(a)(1), and 841(b)(1)(C). The defendant was also charged with, among other things, conspiracy to commit money laundering, in violation of 18 U.S.C. §§ 1956(h) and (a)(2)(A).

In the Forfeiture Allegations of the Second Superseding Indictment in the above-styled case, the United States sought forfeiture of BRADDOCK's interest, pursuant to 21 U.S.C. § 853, in any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offenses and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense, and pursuant to 18 U.S.C. § 982(a)(1), in any and all properties involved in and any and all properties traceable thereto, including but not limited to the following real property:

All that tract, lot or parcel of land, together with all buildings, improvements, fixtures, attachments and easements, having a mailing address of 1153 Airport Road, Flat Rock, North Carolina, and further described as follows:

BEGINNING at a point in the center of the Air-port Road, where the Western line of C.C. Orr and Wayne Tankersley's line crosses said road and runs thence with the center of said Air-Port Road North 35 deg. East 466 feet to a stake in the center of said Road, thence leaving said road a new line North 86 deg. West 238.5 feet to a stake in the Tankersley Eastern line and thence with his line South 4 deg. West 400 feet to the beginning, and being 1.08 acre off the land described in Deed Book 200 at Page 23 of the records of Deeds in Henderson County, North Carolina.

BEING the same property as conveyed in a Deed from C.C. Orr and wife, Della Orr to W.S. Billingsley and wife, Frances Billingsley recorded April 5, 1961 in Book 392, Page 179 in the Henderson County, North Carolina Register of Deeds Office. Frances Billingsley acquired the property solely thru the passing of her husband, W.S. Billingsley. Jack S. Billingsley acquired the property thru the passing of his mother, Frances Billingsley who died Testate June 19, 2004. Her Estate is filed at 04-E-466 in the Henderson County, North Carolina Clerk of Courts Office.

Pin#: 01-01080

And being the same property conveyed in a General Warranty Deed dated October 14, 2013, from Jack S. Billingsley and wife, Patti Billingsley, to RANDALL SCOTT BRADDOCK, an unmarried man and Laurie R. Butler, an unmarried woman, as joint tenants with rights of survivorship, Parcel # 0101080, recorded October 31, 2013, in Book 1552, Page 358 in the Henderson County, North Carolina Register of Deeds Office.

Pin#: 9578758881.

Defendant BRADDOCK and Laurie R. Butler, as joint tenants, have an interest in the real property.

On March 9, 2015, the Court entered a Protective Order [Doc. 167] restraining BRADDOCK and Laurie Butler from alienating, encumbering, or wasting the real property.

The United States is aware that on October 29, 2013, a North Carolina Deed of Trust was recorded in the Henderson County, North Carolina Register of Deeds Office between BRADDOCK and Laurie R. Butler, as Grantors, and Jack S. Billingsley and wife, Patti Billingsley, as Beneficiaries, in Book 2615, Pages 530-533 in which Jack S. Billingsley and Patti Billingsley secured a lien against the real property for a loan in the amount of \$138,000.00.

According to Jack S. Billingsley, the first lienholder, BRADDOCK is currently in default on the real property. The balance owing to Jack Billingsley and wife, Patti Billingsley, on the real property is approximately \$97,000.00 as of March 30, 2015. The United States confirmed this amount with Jack S. Billingsley, and Billingsley is poised to foreclose on the real property.

The United States agrees not to prevent Jack S. Billingsley and wife, Patti Billingsley, from foreclosing on the real property located at 1153 Airport Road, Flat Rock, North Carolina.

Accordingly, the United States agrees to release the Protective Order for this property in the above-referenced case.

In lieu of forfeiture of the real property, the United States agrees to accept the remaining net sale proceeds from the sale of the real property at 1153 Airport Road, Flat Rock, North Carolina, after payment of all pending liens. The United States agrees that Jack S. Billingsley and Patti Billingsley's lien is entitled to first priority out of the proceeds from the sale of the real property. Any remaining net proceeds from the sale will be paid by cashier's check to the United States Marshals Service. Such proceeds will be held in a suspense account pending the entry of a Final Order of Forfeiture.

In the event there are no proceeds from the foreclosure sale, the United States will dismiss the forfeiture action against the real property.

It is therefore ORDERED, ADJUDGED and DECREED that:

1. The United States will release the Protective Order and allow Jack S. Billingsley and wife, Patti Billingsley to foreclose, in accordance with all applicable laws, on the real property located at 1153 Airport Road, Flat Rock, North Carolina.
2. The lien of Jack S. Billingsley and wife, Patti Billingsley is to be paid out of proceeds from the sale of the real property.
3. After payment of liens senior to the United States, any remaining proceeds from the sale are to be paid to the United States Marshals Service.
4. The Parties shall be responsible for payment of their own expenses including attorneys' fees incurred in connection with this proceeding.

5. The Clerk of this Court provide the United States Attorney's Office, Greenville, Tennessee, and the United States Marshals Service, Knoxville, Tennessee, with a certified copy of this Order.

ENTER this 4th day of June, 2015.

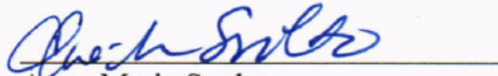


PAMELA L. REEVES
UNITED STATES DISTRICT JUDGE

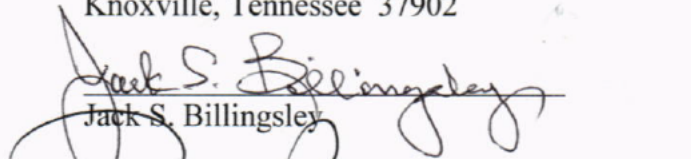
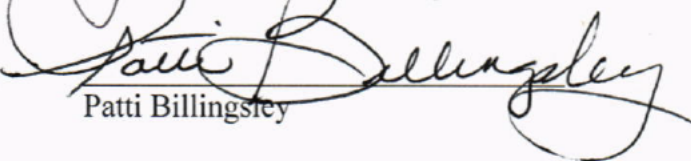
CONSENTED TO:

WILLIAM C. KILLIAN
UNITED STATES ATTORNEY

By:



Anne-Marie Svolto
Assistant United States Attorney
800 Market Street, Suite 211
Knoxville, Tennessee 37902

Jack S. Billingsley

Patti Billingsley